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14 Cynthia Carter

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 Cynthia Carter,

19 Plaintiff,

20 vs.

21 Professional Bureau of Collections of
22 Maryland, Inc.,

23 Defendant.

Case No.:

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

- 1. THE FAIR DEBT COLLECTION PRACTICES ACT; AND**
- 2. THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

JURY TRIAL DEMANDED

1 Plaintiff, Cynthia Carter (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following complaint against Professional Bureau of Collections of Maryland, Inc.
3 (hereafter “Defendant”) and alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and repeated
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,
9 *et seq.* (“Rosenthal Act”).
10

11 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
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14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Anticoh, California, and is a
20 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
21

22 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3), and is a
23 “debtor” as defined by Cal. Civ. Code § 1788.2(h).
24

25 6. Defendant is a business entity located in Greenwood Village, Colorado,
26 and is a “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
27 1788.2(g).
28

1 7. Defendant uses instrumentalities of interstate commerce or the mails in a
2 business the principle purpose of which is the collection of debts and/or regularly
3 collects or attempts to collect debts owed or asserted to be owed to another, and is a
4 “debt collector” as defined by 15 U.S.C. § 1692a(6).
5

6 8. Defendant, in the ordinary course of business, regularly, on behalf of
7 itself or others, engages in the collection of consumer debts, and is a “debt collector”
8 as defined by Cal. Civ. Code § 1788.2(c).
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10
11 **ALLEGATIONS APPLICABLE TO ALL COUNTS**
12

13 9. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
14 be owed to a creditor other than Defendant.

15 10. Plaintiff’s alleged obligation arises from a transaction in which property,
16 services or money was acquired on credit primarily for personal, family or household
17 purposes, is a “debt” as defined by 15 U.S.C. § 1692a(5), and is a “consumer debt” as
18 defined by Cal. Civ. Code § 1788.2(f).
19

20 11. At all times mentioned herein where Defendant communicated with any
21 person via telephone, such communication was done via Defendant’s agent,
22 representative or employee.
23

24 12. Within the last year, Defendant began attempting to contact Plaintiff in
25 an attempt to collect a debt.
26

27 13. In June of 2021, Defendant reported the debt to the credit bureaus.
28

14. During the week of June 7, 2021, Defendant sent several text messages to Plaintiff in an attempt to get Plaintiff to enter into a payment plan in order to settle the debt.

15. In its messages, Defendant failed to disclose that the communication was from a debt collector in an attempt to collect a debt.

16. Defendant's actions caused Plaintiff a great deal of confusion, stress, and anxiety.

COUNT I

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15
U.S.C. § 1692, et seq.

17. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

18. The FDCPA was passed in order to protect consumers from the use of abusive, deceptive and unfair debt collection practices and in order to eliminate such practices.

19. Defendant attempted to collect a debt from Plaintiff and engaged in “communications” as defined by 15 U.S.C. § 1692a(2).

20. Defendant engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

21. Defendant used false, deceptive, or misleading representations or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.

22. Defendant used false representations or deceptive means to collect or attempt to collect a debt or obtain information concerning the Plaintiff, in violation of 15 U.S.C. § 1692e(10).

23. Defendant, in communicating with Plaintiff, failed to disclose that it was a debt collector and that the communication was an attempt to collect a debt, in violation of 15 U.S.C. § 1692e(11).

24. Defendant used unfair and unconscionable means to collect a debt, in violation of 15 U.S.C. § 1692f.

25. The foregoing acts and/or omissions of Defendant constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

26. Plaintiff has been harmed and is entitled to damages as a result of Defendant's violations.

COUNT II

VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT, Cal. Civ. Code § 1788, et seq.

27. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

1 28. The Rosenthal Act was passed to prohibit debt collectors from engaging
2 in unfair and deceptive acts and practices in the collection of consumer debts.

3
4 29. Defendant did not comply with the provisions of 15 U.S.C. § 1692, *et*
5 *seq.*, in violation of Cal. Civ. Code § 1788.17.

6
7 30. Plaintiff was harmed and is entitled to damages as a result of Defendant's
8 violations.

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for judgment against Defendant for:

12 A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);

13 B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

14 C. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);

15 D. Statutory damages of \$1,000.00 for knowingly and willfully committing
16 violations pursuant to Cal. Civ. Code § 1788.30(b);

17 E. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C.
18 § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);

19 F. Punitive damages; and

20 G. Such other and further relief as may be just and proper.
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25 **TRIAL BY JURY DEMANDED ON ALL COUNTS**
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27
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1 DATED: August 20, 2021

TRINETTE G. KENT

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3 By: /s/ Trinette G. Kent
4 Trinette G. Kent, Esq.
5 Lemberg Law, LLC
6 Attorney for Plaintiff, Cynthia Carter
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